

APPENDIX C
CERTIFICATE OF RIGHT-OF-WAY COMPATIBILITY

KOFA National Wildlife Refuge

U.S. Fish and Wildlife Service (March 1, 1989)

LA-Arizona
Kofa NWR

CERTIFICATE OF RIGHT-OF-WAY COMPATIBILITY

WHEREAS, the U.S. Fish and Wildlife Service has received an application from Southern California Edison Company for a 500kV electrical transmission line across lands of the Kofa National Wildlife Refuge, Yuma County, Arizona.

WHEREAS, this Service is in the process of issuing a permit or easement for this right-of-way under the authority contained in the National Wildlife Refuge System Administration Act of October 15, 1966 (80 Stat. 926; 16 USC 668dd) as amended, and

WHEREAS, Section 4(d)(2) of this Act requires a determination (attached) "that such uses are compatible with the purposes for which these areas are established.

I, THEREFORE, NOW certify that this non-programmed use of the above area is compatible with the purpose for which the land was acquired subject to established mitigation measures and to the stipulation that no further above-ground utility development of this corridor be permitted after construction of this transmission

March 1, 1989
Date


Regional Director

Attachment

CERTIFICATE OF RIGHT-OF-WAY (ROW) COMPATIBILITY
KOKA NATIONAL WILDLIFE REFUGE

The proposed ROW under consideration for permit is the designated preferred alternative route for the Devers-Palo Verde #2 500kV Transmission Line depicted in the Supplementary Environmental Impact Statement prepared by the Bureau of Land Management, Riverside, California office. We have reviewed this ROW to determine its compatibility with the purposes for which the Kofa National Wildlife Refuge (Refuge) was established. These purposes, as set for in the Refuge's executive order of establishment, include "the conservation and development of natural wildlife resources...and natural forage resources." With emphasis given to the conservation and protection of the desert highhorn sheep Ovis canadensis mexicana, management of the Kofa Refuge also encompasses the similar conservation and protection of all flora and fauna of the desert community lying within its boundaries. The analysis of the ROW has found that, with certain stipulations, it would be compatible with those purposes. The following facts form the basis for our findings:

-- Since 1950, the proposed route has been used for interstate pipelines and transmission lines. These have been constructed both prior to and after the designation of the Kofa Refuge as a unit of the National Wildlife Refuge System with sole jurisdiction by the U.S. Fish and Wildlife Service. There are currently three natural gas pipelines and the initial 500kV transmission line occupying the proposed route traversing the Refuge. Therefore impacts of the proposed power line would be confined to an established ROW where environmental disturbances have already occurred.

-- Previous findings of non-compatibility for the initial transmission line and the line currently under consideration were based on assumptions that a more northerly (off-refuge) route would be a feasible alternative. Because such a route would impact lands and resources contained within the Bureau of Land Management's New Waters Mountains Wilderness Study Area, it cannot be deemed a feasible alternative and has been eliminated from any further consideration.

-- Although the existing and proposed Devers-Palo Verde transmission lines are routed adjacent to proposed wilderness areas on the Kofa Refuge, they remain within the Crystal Hill-Coyote Peak Exclusion, an area specifically eliminated from consideration for wilderness designation because of its utility ROW development. As stated in the Environmental Impact Statement prepared for the 1974 wilderness proposal, wilderness designation would provide for continuation of existing rights-of-way, easements, and permits, and would not preclude additional routes on those lands excluded from wilderness designation if authorized under permit from this agency.

-- Construction of the transmission line facilities will be prohibited in or near bighorn sheep lambing areas from January 1 to March 31.

-- Determination of specific tower site and spur road locations will be coordinated with Refuge personnel in order to minimize habitat disturbance and/or the loss of valuable habitat features.

-- Data currently available do not indicate any discernable impact on movement of bighorn sheep across the existing single transmission line ROW. However, of critical importance to the herd integrity of the sheep population is the avoidance of any barrier across movement corridors and the fragmentation of sheep habitat. The bighorn sheep study conducted for the initial power line ROW documented the fact that sheep on the Refuge and north of the Refuge are components of the same population. There is considerable movement of these animals between the Kofa Mountains-Livingston Hills on the Refuge and the Plomosa Mountains lying to the immediate north. Sheep moving between these areas must cross the ROW occupied by the Devers-Palo Verde No. 1 and the proposed line. It is not known, nor can anyone predict, how many such parallel transmission lines would constitute a barrier to sheep movement. Nor is it known if detrimental impacts would be manifested only by restricting movement. Behavioral modification, hesitation, or increases in physiological stress prior to actual crossing may be detrimental factors resulting from increases in numbers of transmission lines. For this reason, in addition to spatial considerations to restrict development impinging on lands of the Kofa Refuge, we consider this second line to be the upper limit of utility development in this area. Maintenance and upgrading of facilities would be permitted, but, following the construction of Devers-Palo Verde No. 2 Transmission Line, no further above-ground utilities would be constructed in this area.

